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Letter dated 6 March 2015 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

I have the honour to inform you that on Wednesday, 25 March 2015, at 10 a.m., the Permanent Mission of France to the United Nations plans to hold in the Security Council, under the French presidency, an open debate on children and armed conflict, with a particular focus on child victims of non-State armed groups. The related concept note is provided in the annex to this letter.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) François **Delattre**
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Annex to the letter dated 6 March 2015 from the Permanent Representative of France to the United Nations addressed to the Secretary-General

[Original: English and French]

Concept note for the Security Council open debate on children and armed conflict: child victims of non-State armed groups, 25 March 2015

1. General context and challenges

The year 2014 was reported to be the worst for children; the pattern continues into 2015.

Children are abducted daily and separated from their families by non-State armed groups. This trend has become a characteristic of the tactics used by extremist non-State armed groups. Abduction is also a means to instil fear and to terrorize entire populations, to exert control over them, or force them to flee. It is a matter that will merit increasing attention in order to effectively counter in the coming months and years.

Boys and girls are taken from their villages or schools to serve as combatants or in support roles such as cooks, porters, messengers, or spies providing military intelligence, thereby putting them in great danger. Many are sexually abused, injured, maimed or even killed. Often they are also targeted specifically because of their ethnicity, religion or because their extreme vulnerability makes it easy to strike their community.

The recruitment and use of children by non-State armed groups continues to be a serious violation of international humanitarian and human rights law, and entails long-term consequences for children who are exposed to tremendous violence. Wounded and traumatized by the events, children end up with serious disabilities, stigmatization or rejection if they are born out of rape or forced marriages. Deprived of their rights, they miss educational opportunities, incur psychological distress, and suffer from other trauma from their time in the captivity of non-State armed groups.

While children are often recruited by force or abducted, some may have joined non-State armed groups as a result of economic, social or security pressures. In many cases, children who had been separated from non-State armed groups are rerecruited, because they have been unable to secure other forms of livelihood, have been rejected by their community, fear repression and/or are forced to do so.

These situations are exacerbated by extremist non-State armed groups, who often indoctrinate the children they use, in addition to the abuses enumerated above. Reintegration of children back into their communities is therefore a long, difficult, but necessary task which requires sustained political will and resources.

2. Institutional context

The Security Council will celebrate this year the 10th anniversary of resolution 1612 (2005), which established the Working Group on Children and

Armed Conflict to review the reports of the monitoring and reporting mechanism on the recruitment and use of child soldiers in violation of applicable international law and on other violations and abuses committed against children affected by armed conflict. This open debate will be a first step towards the upcoming discussion and celebration of resolution 1612 (2005) under the Malaysian presidency of the Security Council in June 2015.

This month also marks the first anniversary of the campaign "Children, Not Soldiers", launched in March 2014 by the Special Representative of the Secretary-General for Children and Armed Conflict and the United Nations Children's Fund (UNICEF), which aims at ending and preventing the recruitment and use of children in armed conflict by seven national security forces (Afghanistan, Democratic Republic of the Congo, Myanmar, Somalia, South Sudan, Sudan, and Yemen) by the end of 2016. While acknowledging and appreciating the progress achieved since last year, it is key, in parallel, to continue addressing violations committed against children by non-State armed groups. Indeed, out of the 59 parties listed in the last Secretary-General's report in 2014, 51 are non-State actors. Therefore, the open debate comes at an ideal time to further explore how the commitments of Governments to this campaign and their involvement in general, as mentioned in Security Council resolution 1612 (2005), can help influence the approach taken by non-State armed groups in respect of children affected by armed conflict.

We are also approaching the 10th anniversary of the Paris Commitments and the Principles on Children Associated with Armed Forces or Armed Groups, adopted in 2007 on the basis of the Cape Town Principles and Best Practices of 1997. Endorsed by 105 States so far, these Principles represent a useful set of tools for States and the international community to prevent recruitment, protect children, support their release from armed forces or armed groups and reintegrate them into civilian life. The open debate will help to share best practices and ideas on how we might improve and build upon the Paris Principles as we deal with increasingly complex conflicts and unprecedented forms of violence and challenges such as violent extremist groups.

Finally, an important milestone was set from a legal perspective: on 1 December 2014, the International Criminal Court Appeals Chamber confirmed the verdict and the sentence against Thomas Lubanga Dyilo, who became the first person to be convicted of committing, as co-perpetrator, war crimes consisting of enlisting and conscripting of children.

3. Variety of situations and non-State armed groups

The plurality of non-State armed groups, in their nature, form, motive, ideology or opportunism, reveals a multifaceted situation raising a variety of responses from affected countries and the international community.

Through this open debate, we would like to draw the Council's attention to the following situations:

(a) Children victims of extremist non-State armed groups

Recent barbaric acts committed by Daesh or Boko Haram highlight the increasing violence committed by these groups against children who are victims of

recruitment and of different forms of violence such as abductions, maiming, killing or sexual violence and are also used as instruments to commit violence, for example as suicide bombers, or to instil and perpetuate an extremist ideology in society through indoctrination.

In the Syrian Arab Republic and Iraq, more than 10,000 children have been killed, used or recruited by numerous extremist non-State armed groups, including Daesh, Ahrar al-Sham and Jabhat al-Nusra. While this debate focuses on violence against children committed by non-State armed groups, it should not be forgotten that children are still suffering on a daily basis from the repression led by the Syrian regime, including the indiscriminate use of barrel bombs and shelling, as well as attacks on schools and hospitals.

In Nigeria and neighbouring countries, the extremist Islamist group Boko Haram is increasingly committing mass atrocities of which children are a primary target (abduction of more than 200 girls in 2014 in Chibok, who are yet to be released, the use of girls as suicide bombers on markets in various locations, frequent attacks on schools).

In other countries, according to the Secretary-General's most recent annual report, religious and community leaders have reportedly facilitated the recruitment of children into armed groups. Children entrusted by their parents to marabouts are reportedly particularly vulnerable, and religious schools have served in some places for indoctrination and recruitment.

(b) Children associated with non-State armed groups engaged in peace processes

Some non-State armed groups have engaged in peace processes with national authorities and have shown willingness to discuss political commitments. This represents an opportunity to advocate strongly for an immediate cessation of violations against children and for the release of children from their ranks. Currently, such opportunities exist for example:

In the Central African Republic, where the Secretary-General's most recent annual report (A/68/878-S/2014/339) estimated that several thousand children have been and remain associated with the ex-Séléka and the anti-Balaka. Reportedly, recruitment, use, killing and maiming of children continued in the first quarter of 2015. The Agreement on the cessation of hostilities signed in Brazzaville in July 2014 included a provision on the protection of children and, more specifically, on the release of children associated with the signatories. Ahead of the Bangui Forum which should inter alia discuss the implementation of the agreement, it is important to find ways to accelerate the implementation of the provision relating to children and engage with all non-State armed groups. A follow-up is also needed of the Government's decision to grant the United Nations unconditional screening access to military barracks and sites in view of the separation and reintegration of children associated with non-State armed groups.

In Mali where, according to the Secretary-General's most recent annual report, all armed groups in the north, including Al-Qaida in the Islamic Maghreb, Ansar Eddine, the Mouvement national pour la libération de l'Azawad (MNLA) and the Movement for Unity and Jihad in West Africa (MUJAO) perpetrated grave violations against children, including the recruitment and use of 57 boys as young as 11 years of age, used in combat and support roles. An inter-Malian dialogue is

ongoing and integrating provisions relating to the protection of children, including those associated with armed groups, parties to the process, would be a positive step. In fact, some of the parties who negotiated in Algiers, MNLA and Arab Movement of Azawad (MAA), have issued command orders to end violations against children.

Opportunities exist also in Colombia, where the Government and the Fuerzas Armadas Revolucionarias de Colombia (FARC) are in an advanced stage of negotiation, or in the Philippines, where the Government and the Moro Islamic Liberation Front continue negotiations around an end to the conflict.

(c) The specific situation of girls associated with non-State armed groups

Girls are even more vulnerable to non-State armed groups and are often their targets. They therefore need special and dedicated attention and protection. They are at greater risk of rape and sexual violence, and sexual exploitation and abuse such as sexual slavery and early and forced marriage.

Some extremist armed groups such as Daesh and Boko Haram also specifically attack girls at school.

Because their suffering is often hidden due to fear, shame or stigma, specific attention should be dedicated to girls associated with non-State armed groups.

4. Possible actions and tools

The variety of situations oblige the States and the United Nations to examine the range of actions and tools they can use to exert more pressure on non-State armed groups, in order to: (1) end and prevent the recruitment and use of children, (2) secure and support the release of children associated with armed groups, (3) stop all forms of violence committed against them, and (4) facilitate their reintegration into society and within their families and communities.

In this context, a whole range of tools should be examined:

- **Diplomatic action, mediation and peace processes**: What role can Governments, with the help of mediators and the United Nations, play to facilitate the release of children, including girls, associated with non-State armed groups, in the context of peace talks and negotiations? How can they promote the protection of children in a political dialogue and include specific provisions in final peace agreements? How to pursue these efforts in case those negotiations break down or peace talks have not been engaged yet?

- **Sanctions**: How to increase the exchange of information on children and armed conflict between the Security Council, the Security Council Working Group on Children and Armed Conflict and the sanctions committees where and as relevant? Should the expert groups of sanctions committees include a child protection focus, through international human rights and humanitarian law expertise, to monitor the violations and make recommendations? How can the Security Council be more systematic in including the six grave violations as designation criteria for sanctions? Should we apply sanctions to those who provide material support or safe haven to non-State armed groups that abuse children? How can we ensure sanctions are implemented by all Member States?

- **Peace and military operations**: How can military operations by national forces or other peace operations against non-State armed groups, including against terrorist and other violent groups, better integrate, in the context of protection of civilians, child protection issues into their operational planning, procedures and operations, so as to minimize and prevent child casualties, as well as respond to the needs of children they may encounter in the battlefield? How to develop specific strategies and doctrines for national forces or peace operations to separate children from armed groups and immediately transfer those children to child protection actors?

- **Legal and guiding framework**: How to encourage States to adopt or implement legal measures to prohibit and criminalize use and recruitment of children under the age of 18, as stated in the Optional Protocol to the Convention on the Rights of the Child of 1989, adopted in May 2000? How to encourage more States to endorse the Paris Principles on children associated with armed forces or armed groups, which provide guidelines on the disarmament, demobilization and reintegration of all categories of children associated with non-State armed groups?

- **Regional cooperation**: How can regional organizations place more pressure on non-State armed groups to end violations? How can we help developing local or regional capacity to deal with non-State perpetrators, like training of security forces, prosecutors, judges etc.?

- **Accountability and fight against impunity**: What measures can States take to prevent impunity for the recruitment and use of children as well as other grave child rights violations? How can the recent verdict and sentence of the International Criminal Court against Thomas Lubanga Dyilo serve as a model for holding other commanders of non-State armed groups accountable? How can we end impunity of persistent perpetrators (armed groups having committed violations against children for more than five years)?

- **Reintegration**: How to increase efforts of concerned States and of the international community to rehabilitate and reintegrate child victims into their communities?

- **Documentation**: How can we help concerned States, UN actors such as the Special Representative of the Secretary-General for Children and Armed Conflict and civil society to document and publicize abuses, in order to raise the normative and political costs for non-State armed groups?

5. Format, participants and outcome

The objective of the debate is to learn from the experience of actors from the field and highlight good practices so as to elaborate on future actions to face the increasing violations committed by non-state armed groups against children. The aim is to mobilize Member States to become parties to the relevant international instruments, such as the Additional Protocols of 1977 to the Geneva Conventions of 1949, and the Optional Protocol of 2000 to the Convention on the Rights of the Child, and to endorse and implement the Paris Principles on children associated with armed forces or groups.

The Secretary-General will brief the Council, followed by other participants (representatives of UNICEF, civil society and actors from the field) who will be confirmed at a later stage.

Instead of focusing on past resolutions or progress realized so far, Member states are invited to make concrete proposals on how to prevent and respond to violations committed by non-State armed groups against children, on the basis of existing or new tools. They will be invited to express their support for the Paris Principles on children associated with armed forces or groups.

The outcome will be a non-paper under the responsibility of the French presidency of the Security Council synthesizing concrete and operational ideas and proposals put forward during the open debate, to help implementing the Paris Principles, prepare the next open debate on children and armed conflict in June 2015 and contribute to upcoming consultations or briefings of the Working Group on Children and Armed Conflict on the issue of non-State armed groups. The non-paper will be circulated to all participants before the conclusion of the French presidency of the Security Council.

So as to be as exhaustive as possible, States are invited to send their written proposals (2-3 operational ideas), by 11 a.m. on 26 March 2015, to the French Permanent Mission at the following address: secmin.new-york-dfra@diplomatie.gouv.fr, copying vanessa.selk@diplomatie.gouv.fr.